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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,534	01/20/2006	Hans-Peter Barthelt	234510	5702
23460 7590 05/03/2007 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731			EXAMINER TRETTEL, MICHAEL	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/532,534		BARTHELT, HANS-PETER	
	Examiner		Art Unit	
	Michael Trettel		3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-106 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54-71 and 90-100 is/are allowed.
- 6) ☒ Claim(s) 72,87 and 101-106 is/are rejected.
- 7) ☒ Claim(s) 73-86,88 and 89 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 72 and 87 are rejected under 35 U.S.C. 102(b) as being anticipated by MacDonald (US 3,112,500). MacDonald shows a hospital bed 11 that broadly comprises a base frame 12 and an articulated gatch frame 13 mounted thereto by a carriage assembly 41. The base frame 12 has headboards and footboards 14, 16 attached by side rails 17, 18, while the gatch frame 13 includes an articulated head section 19, a stationary seat section, and articulated thigh and foot sections 21, 22. Each of these sections has parallel longitudinal support members, with the seat section having parallel side members 23, 24 attached to a transverse support member 26. The carriage assembly 41 forms an intermediate support frame that includes a rotary bearing 49. The rotary bearing 49 is supported upon the base frame 12 by means of a cross member 42 mounted upon rollers 46 which engage the side rails 17, 18 of the base frame. The rotary bearing is formed from two circular plates 51, 52 which include matching raceways 53, 54 that contain ball bearings 56. Plate 52 is attached to the cross member 42 by angle members 57, 58, a similar pair of angle members 68, 69 are attached to the upper plate 52. Angles 68, 69 slidably engage the cross member 26 to allow the gatch frame to be moved from side to side. Note that the angle members 68, 69 are narrower in length than the width of the gatch frame 13.

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Claims 101-106 are rejected under 35 U.S.C. 102(b) as being anticipated by Korber (US 3,681,792). Korber shows an adjustable bed in Figures 8-12 that uses a set of hinges which are of particular interest. The bed includes a back support frame 1, seat frame 2, thigh support 3, and a leg support 4 which are articulated to one another by hinged parts 7, 8. As shown in Figures 9 and 12 the frame members of each support section are formed as hollow tubes that receive the hinge parts 7, 8. The hinge parts 7, 8 transition each facing tube member to one another, and contain a bearing 10 held in place by a cross bolt 9.

Allowable Subject Matter

Claims 73-86, 88, and 89 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 54-71 and 90-100 are allowed.

Conclusion

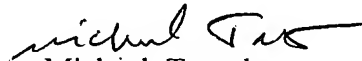
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Iura (US 5,444,883), Green et al (US 5,095,561), MacDonald (US 3,239,853), Barthelt (US 7,086,103), and Iura (US 5,497,518) show rotary hospital beds which are of particular interest.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is (571) 272-7052. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle, can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Michael Trettel
Primary Examiner
Art Unit 3673